

House File 830

H-1204

1 Amend House File 830 as follows:

2 1. Page 1, before line 1 by inserting:

3 <DIVISION I

4 ABILITY OF ELECTED OFFICIALS TO ACCESS INTERNET SITES>

5 2. Page 3, line 10, after <This> by inserting <division of
6 this>

7 3. Page 3, line 12, after <This> by inserting <division of
8 this>

9 4. Page 3, after line 24 by inserting:

10 <DIVISION ____

11 EXERCISE OF RELIGION

12 Sec. _____. NEW SECTION. 675.1 Short title.

13 This chapter shall be known and may be cited as the
14 "*Religious Freedom Restoration Act*".

15 Sec. _____. NEW SECTION. 675.2 Legislative purpose and
16 intent.

17 The purpose and intent of this chapter is all of the
18 following:

19 1. To restore the compelling interest test as set forth
20 in *Sherbert v. Verner*, 374 U.S. 398 (1963) and *Wisconsin v.*
21 *Yoder*, 406 U.S. 205 (1972), and to guarantee its application in
22 all cases where the free exercise of religion is substantially
23 burdened by state action.

24 2. That this chapter be interpreted consistent with the
25 Religious Freedom Restoration Act of 1993, 42 U.S.C. §2000bb et
26 seq., federal case law, and federal jurisprudence.

27 3. To provide a claim or defense to a person whose exercise
28 of religion is substantially burdened by state action.

29 Sec. _____. NEW SECTION. 675.3 Definitions.

30 As used in this chapter, unless the context otherwise
31 requires:

32 1. "*Demonstrates*" means meets the burdens of going forward
33 with the evidence and of persuasion.

34 2. "*Exercise of religion*" means the practice or observance
35 of religion, including any action that is motivated by a

1 sincerely held religious belief, whether or not the exercise is
2 compelled by, or central to, a system of religious belief.

3 3. "Government" includes a branch, department, agency,
4 instrumentality, political subdivision, official, or other
5 person acting under color of law of the state.

6 4. "State law" includes without limitation a law, ordinance,
7 or resolution of a political subdivision.

8 Sec. _____. NEW SECTION. 675.4 Free exercise of religion
9 protected.

10 1. Government shall not substantially burden a person's
11 exercise of religion, even if the burden results from a rule
12 of general applicability, unless it is demonstrated that
13 applying the burden to that person's exercise of religion is
14 in furtherance of a compelling governmental interest and is
15 the least restrictive means of furthering that compelling
16 governmental interest.

17 2. A person whose exercise of religion has been burdened
18 in violation of this chapter may assert such violation as a
19 claim or defense in a judicial or administrative proceeding
20 and obtain appropriate relief. Standing to assert a claim or
21 defense under this chapter shall be governed by the general
22 rules of standing under state and federal law.

23 Sec. _____. NEW SECTION. 675.5 Applicability.

24 This chapter applies to all state and local laws and the
25 implementation of state and local laws, whether statutory
26 or otherwise, and whether adopted before, on, or after the
27 effective date of this Act.

28 Sec. _____. NEW SECTION. 675.6 Exemptions.

29 This chapter does not apply to the department of
30 corrections, a district department of correctional services, a
31 county jail, or any other detention facility.

32 Sec. _____. EFFECTIVE UPON ENACTMENT. This division of this
33 Act, being deemed of immediate importance, takes effect upon
34 enactment.>

35 5. Title page, by striking lines 1 through 3 and inserting

1 <An Act relating to rights guaranteed by the first amendment to
2 the Constitution of the United States, including the ability
3 of elected officials to utilize certain internet sites, the
4 standard of judicial review and providing a claim or defense
5 when a state action burdens a person's exercise of religion,
6 and including effective date and applicability provisions.>
7 6. By renumbering as necessary.

SALMON of Black Hawk

CISNEROS of Muscatine

OSMUNDSON of Clayton

FISHER of Tama

STONE of Winnebago

JACOBSEN of Pottawattamie

BAXTER of Hancock

JENEARY of Plymouth

GERHOLD of Benton

BODEN of Warren

SHIPLEY of Van Buren